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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,254	02/22/2002	Bernard F. Garceau	6523-54	9827

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EXAMINER

GREEN, CHRISTY MARIE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/081,254

Applicant(s)

GARCEAU ET AL.

Examiner

Christy M Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

This is a second office action for serial number 10/081254, entitled Reinforcing Bracket for a Trailer Frame, filed on February 22, 2002.

#### *Response to Amendment*

In response to the examiner's office action dated September 26, 2003, the applicant has amended claims 1, 14-16 and 21.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 8, 9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris, US patent # 4,032,242 in view of Kristiansen, US Patent # 4,014,618.

Morris discloses the claimed invention a reinforcing bracket (10) comprising a first side (21), a second side (22) **extending at an angle from the first side (figure 3)**, a third side (35) wherein the **first side and second side each have an inner surface (see attached figure 3) and an outer surface (21a, 22a)**, first side and the second side each include a plurality of dimples (see attached figures 5 and 6), each dimple **forming a recess in the inner surface (see attached figure 5) and having at least one aperture (24, 25) therein**, and the third side included at least one aperture ("36" – column 3, lines 53-56); the first and second sides have two dimples (figures 3 and 6);

the two dimples are substantially vertically stacked (figures 3 and 6); the dimples in the first and second sides are substantially vertically stacked (figures 3 and 6); and, the angle between the first and second side is not 90 degrees, is greater than 90 degrees and is less than 90 degrees (column 4, lines 46-50).

Morris does not disclose each dimple forming a projection on the outer surface. Kristiansen teaches that it is known in the art to provide a bracket with a dimple (see attached figures 8 and 9) forming a projection (19) on the outer surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the dimple forming a projection on the outer surface as taught by Kristiansen with the bracket of Morris in order to provide an interface fit in the bores of the panels or framing member (column 3, lines 24-26) which ultimately provide a more secure fit with the bracket and framing members.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris in view of Kristiansen.

Morris in view of Kristiansen discloses the claimed invention as stated above in claim 1, except for the bracket is adapted to fasten to the trailer frame at an angled junction of an A-frame and a cross-member. It is obvious that the corner joint brace of Morris in view of Kristiansen can be used for the same function within a junction of an A-frame and a cross-member, although it is not intended to be used within a trailer frame, also, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not

constitute a limitation in any patentable sense and is therefore not given much patentable weight.

Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris in view of Kristiansen and further in view of Hoffman, US Patent # 6,719,481.

Morris in view of Kristiansen discloses the claimed invention as stated above in claim 1, except for the third side is substantially or at least partially bilaminar and the third side having a first layer extending from the first side and a second layer extending from the second side. Hoffman teaches that it is known to have a third side (see attached figure 3) that is substantially or at least partially bilaminar and where a first layer (at 22) extends from the first side (where 5 points to) and a second layer is extending from the second side (see attached figure 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the bracket of Morris in view of Kristiansen with the connection plate as taught by Hoffman in order to provide an additional connecting feature to further secure the connection plate to the structure (column 4, lines 31-34).

Claims 15, 16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiss, UK Patent # 2,044,193 in view Morris and further in view of Kristiansen.

Hiss discloses the claimed invention including a bolt-together trailer frame (figure 1 – pg. 1, column 1, lines 15-19) comprising at least two longitudinal members (1 and 2), at least two cross members (6a, 3) attached to the longitudinal members (1,2 – by

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7a and 8a) by bolts (page 1, column 2, lines 112-113 and lines 123-126), two a-frame members (where 5 points to) wherein angles formed between the a-frame members and a cross member are not ninety degrees (see attached figure 1); and, at least one of the a-frame member and the cross member have a flange extending therefrom (see attached figure 1).

Hiss also discloses a bracket fastening an A-frame member to a cross member (see attached figure 1) but does not disclose that the bracket comprises first side, a second side **extending at an angle from the first side**, a third side **extending from an end of the first side and an end of the second side**, wherein the **first and second side each having an inner surface and an outer surface**, the first side and the second side each include a plurality of **projections on the outer surface**, and a plurality of dimples each dimple having at least one aperture and **a recess in the inner surface** therein, and the third side included at least one aperture.

Morris in view of Kristiansen teaches that it is known in the art to provide bracket comprises first side, a second side extending at an angle from the first side, a third side extending from an end of the first side and an end of the second side, wherein the first and second side each having an inner surface and an outer surface, the first side and the second side each include a plurality of projections on the outer surface and a plurality of dimples each dimple having at least one aperture and a recess in the inner surface therein, and the third side included at least one aperture and the angle between the first and second side is greater than 90 degrees and is less than 90 degrees as stated above in claims 1, 12 and 13. It would have been obvious to one having ordinary

skill in the art at the time the invention was made to provide the bracket as taught by Morris in view of Kristiansen with the bracket of the A-frame member of Hiss in order to in order to fasten the a-frame members and the cross members and an angle not ninety degrees and to provide an improved construction of a corner joint brace to deter separation of the members of the braced corner joint (column 1, lines 47-51).

Claims 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiss, UK Patent # 2,044,193 in view Morris and Kristiansen and further in view of Hoffman.

Hiss in view of Morris and Kristiansen disclose the claimed invention as stated above in claim 15, including the bracket (15) dimples (see attached figure 3 – “Kristensen”) are in nesting engagement with corresponding dimples in an adjacent A-frame member (11, 10) and cross member (11 or 10). Hiss in view of Morris and Kristensen does not disclose a third side of a bracket it substantially bilaminar. Hoffman teaches that it is known in the art to provide a third side of a bracket that is substantially bilaminar (at 22). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the bracket of Morris in view of Kristiansen and the A-frame member of Hiss with the connection plate as taught by Hoffman in order to provide an additional connecting feature to further secure the connection plate to the structure (column 4, lines 31-34).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christy Green  
Patent Examiner  
May 18, 2004